

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

CONSUMER FINANCIAL  
PROTECTION BUREAU,

Petitioner,

v.

EDUCATIONAL CREDIT  
MANAGEMENT CORPORATION,

Respondent

Case Number: 0:21-mc-00019-SRN-DTS

**DECLARATION OF ERIN ZACUTO  
CASS**

**DECLARATION OF ERIN ZACUTO CASS**

Pursuant to 28 U.S.C. § 1746, I, Erin Zacuto Cass, declare upon firsthand, personal knowledge as follows:

1. I am over 18 years of age and otherwise competent to make this declaration. I have personal knowledge of the facts set forth in this declaration unless otherwise stated below.

2. I am an attorney employed by Venable LLP, which serves as outside counsel for Respondent Educational Credit Management Corporation (ECMC).

3. Over the course of multiple meetings with Enforcement Counsel in the fall of 2020, the parties discussed the Civil Investigative Demands (CIDs) issued to ECMC on September 9, 2020 and September 30, 2020. The Bureau acknowledged that ECMC would utilize a protocol involving search terms to collect potentially responsive emails.

4. Several productions of documents were made to the Bureau in response to the CIDs, including on October 16, 2020; October 23, 2020; November 16, 2020;

December 22, 2020; January 12, 2021; February 19, 2021; and March 5, 2021. True and correct copies of those transmittal emails are attached hereto as **Exhibit A** (October 16, 2020 email); **Exhibit B** (October 23, 2020) **Exhibit C** (November 16, 2020 email); **Exhibit D** (December 22, 2020 email); **Exhibit E** (January 12, 2021 email); **Exhibit F** (February 19, 2021 email); and **Exhibit G** (March 5, 2021).

5. Between February 22 and 24, 2021, the parties exchanged additional email communications. A true and correct copy of those email communications is attached hereto as **Exhibit H**.

6. Between March 4 and March 11, 2021, the parties exchanged additional email communications regarding the Petition to Enforce. A true and correct copy of those email communications is attached hereto as **Exhibit I** (March 4, 2021 email), **Exhibit J** (March 8, 2021 email), and **Exhibit K** (March 11, 2021 email).

7. Prior to filing the Petition to Enforce, the Bureau did not seek to meet and confer with ECMC about the filing of the Petition.

8. On March 9, 2021, after the Petition had been filed, the parties met and discussed the Petition to Enforce at ECMC's request.

9. The Bureau issued a third CID to ECMC on March 10, 2021. The third CID is attached as **Exhibit L**.

10. ECMC requested that the Bureau withdraw the Petition.

11. Throughout May and June, counsel for ECMC attempted to schedule a call with the Bureau, but the Bureau would not agree to a call between the parties' counsel concerning the basis of the Petition.

12. I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 27, 2021.

A handwritten signature in blue ink, reading "Erin Zacuto Cass", is written over a horizontal line.

Erin Zacuto Cass